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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION

| RODERICK CARTER, | |
|------------------------------------|--------------------------------|
| Petitioner, |)) |
| v. | Case No. 7:21-cv-01220-RDP-NAD |
| SHERIFF OF PICKENS COUNTY, et al., |)) |
| Respondents. |)) |

MEMORANDUM OPINION

Petitioner Roderick Carter filed an amended *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. 2241, alleging violations of his Fourth, Fifth, and Fourteenth Amendment rights. (Doc. 11). The Magistrate Judge filed a Report and Recommendation on April 26, 2023, recommending that this habeas petition be dismissed without prejudice based on Petitioner's failure to exhaust his state court remedies and pursuant to the *Younger* abstention doctrine. (Doc. 15). Although Petitioner was advised of his right to file objections to the Report and Recommendation within 14 days, no objections have received by the court and the time limitation for filing has expired.

After a *de novo* consideration of the entire file in this action, including the Report and Recommendation, the court **ADOPTS** the Magistrate Judge's Report and **ACCEPTS** his Recommendation. The court finds that the petition for writ of habeas corpus is due to be dismissed without prejudice based on Petitioner's failure to exhaust his state court remedies and pursuant to *Younger v. Harris*, 401 U.S. 37, 46 (1971).

Further, because the petition does not present issues that are debatable among jurists of reason and does not make a substantial showing of the denial of a constitutional right, a certificate

of appealability is due to be denied. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), Rules Governing § 2254 Proceedings.

A separate Final Judgment will be entered.

DONE and **ORDERED** this May 18, 2023.

R. DAVID PROCTOR

UNITED STATES DISTRICT JUDGE